

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

Vincent Dimiceli

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

**07 CV 4835**

Galvex Holdings LTD., Galvex Trade LTD,  
 Galvex Services OU, Galvez Estonia OU,  
 Galvex Intertrade OU, Galvex Capital L.L.C.  
 Alvarez & Marsal Europe LTD, Silver Point  
 Capital, L.P., Silver Point Europe, LLP  
 and Silver Point Group, LLP

TO: (Name and address of defendant)

Galvex Holdings, LTD  
 Chancery Hall  
 52 Reid Street  
 Hamilton, Bermuda HM 12  
 (Please see attachment)

**JUDGE KOELTL**

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Mirabella & Powers, LLC  
 1600 Stewart Avenue, Suite 210  
 Westbury, New York 11590

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

(BY) DEPUTY CLERK

JUN 06 2007  
 ET WO MAFFA MURRAY  
 SDNY WEB 10 2007 10:49 AM  
 DATE 10 2007 10:49 AM  
 BY CLERK J. MICHAEL McMAHON  
 COUNTY OF NEW YORK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

**RETURN OF SERVICE**Service of the Summons and Complaint was made by me<sup>1</sup>

DATE

7/6/2007

NAME OF SERVER (PRINT)

JOSEPH STETZER

TITLE

Process Server

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served:  
ALVAREZ & MARASAL EUROPE, LTD  
New York City NY 10022 (6th Floor)
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- Returned unexecuted: \_\_\_\_\_
- Other (specify): LEAVES UPON LISA KRAMER, ASST. TO OFFICE  
MANAGER JOEL POLETOKY, A.H.Y. (SIGNED LEAVES  
WORK (Sheet Upon REQUESTING SERVICE))

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
	150.00	150.00

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

7/6/2007

Date

Signature of Server

**ATTACHMENT TO SUMMONS**

Galvex Trade LTD  
Chancery Hall  
52 Reid Street  
Hamilton, Bermuda HM 12

Galvex Services OÜ  
Koorma 5a  
Viimsi parish  
Harju county 74115, Estonia

Galvex Estonia OÜ  
Koorma 5a  
Viimsi parish  
Harju county 74115, Estonia

Galvex Intertrade OÜ  
Koorma 5  
Viimsi-parish  
Harju county 74115, Estonia

Galvex Capital L.L.C.  
C/o Zvi Hahn, Coudert Brothers LLP  
1114 Avenue of the America  
New York, New York 10036

Alvarez & Marsal Europe LTD  
C/O Alvarez & Marsal  
600 Lexington Avenue, 6<sup>th</sup> Floor  
New York, New York 10022

Silver Point Capital L.P.  
C/o The Corporation Trust Company Trust Center  
1209 Orange Street  
Wilmington, DE 19801

Silver Point Europe, LLP  
20 St. James Street, 4<sup>th</sup> Floor  
London, SW1A 1ES United Kingdom

Silver Point Group, LLP  
20 St. James Street, 4<sup>th</sup> Floor  
London, SW1A 1ES United Kingdom

## UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT NEW YORK

VINCENT DIMICELI, PLAINTIFF

V.

GALVEX HOLDINGS LTD., GALVEX TRADE LTD, GALVEX SERVICES OU, GALVEX ESTONIA OU, GALVEX INTERTRADE OU, GALVEX CAPITAL LLC, ALVEREZ & MARSAL EUROPE LTD, SILVER POINT CAPITAL, LP., SILVER POINT EUROPE, LLP AND SILVER POINT GROUP, LLP , DEFENDANTS

TO

GALVEX HOLDINGS, LTD., CHANCERY HALL, 52 REID STREET  
HAMILTON, BERMUDA HM 12

SS.:

**Case No. 07 CV 4835**  
**JUDGE KOELTL**  
**AFFIDAVIT OF SERVICE**

JOSEPH STELTZER

being duly sworn, deposes and says: that deponent is not a party

to this action, is over 18 years of age and resides at HARBOR SOUTH, AMITYVILLE, NEW YORK 11701

that on 7/6/2007 @ 9:00AM @ 600 LEXINGTON AVE., (6<sup>TH</sup> FLOOR) NEW YORK CITY, N.Y. 10022

deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT & INDIVIDUAL JUDGES RULES  
on ALVAREZ & MARSAL EUROPE, LTD. defendant(s) therein named.

## INDIVIDUAL

1. 

By delivering a true copy of each to said defendant(s)

Personally: deponent knew the person(s) so served to be the person(s) as said defendant(s) therein.

## CORPORATION

2. 

A UNITED KINGDOM LTD COMPANY corporation(s), defendant(s), therein named, by delivering and leaving

With LISA KRAMER, ASST TO OFFICE MGR JOEL PORETSKY, ATTY of said corporation(s) a true copy thereof  
deponent further knew the said individual(s) to be the managing agent

SUITABLE  
AGE PERSON3. 

by delivering thereat a true copy(ies) of each to  
person of suitable age and discretion. Said premises is defendant's – actual place of business – dwelling house –  
usual place of abode – within the state.

a

AFFIXING TO  
DOOR, ETC.4. 

By affixing a true copy of each to the door of said premises which is defendant's – actual place of business –  
Dwelling house – usual place of abode – within the state. Deponent was unable, with due diligence to find  
Defendant(s) or person(s) of suitable age and discretion, thereat, having called there

MAILING  
USE WITH  
3 OR 4

Deponent mailed copies of same Post Paid by first class mail properly addressed to defendant at the aforementioned  
address . The envelope was marked " Personal and Confidential "  
not indicating thereon that the communication was from an attorney or concerned an action against the defendant and  
deposited said envelope in a post office official depository under the exclusive care and custody of the U.S. Postal  
service within New York, on 7/7/2007

APPROXIMATE  
DESCRIPTION

Sex FEM Color WHT Hair Color BRN Approx. Hgt 5'4" Approx. Wgt 155 Approx age 40  
(SIGNED SERVERS WORKSHEET UPON ACCEPTING SERVICE)

MILITARY  
SERVICE  
INDEX #

I asked the person spoken to LISA KRAMER Whether defendant(s) was/were in active military service  
of the United States in any capacity whatever or being supported by anyone in the military. Person answered in the  
Negative. The source of my information and the grounds of my belief are the conversations narrated.

The above action had endorsed thereon the index number and the date of filing.

Sworn to before me on July 6, 2007Signature Marilyn Abramowitz License No 1193639

MARILYN ABRAMOWITZ  
Notary Public, State Of New York  
No. 01AB4802716  
Qualified In Nassau County  
Commission Expires Dec. 31, 2010